

REMARKS

Claims 1-30 were originally filed in the present application.

Claims 1-30 are pending in the present application.

Claims 1, 2, 16 and 17 were rejected in the June 22, 2005, Office Action.

Claims 3-15 and 18-30 were objected to in the June 22, 2005, Office Action.

No claims have been allowed.

No claims are amended herein.

Claims 1-30 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Section 1 of the June 22, 2005, Office Action, the Examiner rejected Claims 1, 2, 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0077104 to *Chen, et al.* (hereinafter, simply "*Chen*") in view of U.S. Patent Application Publication No. 2002/0072358 to *Schneider, et al.* (hereinafter, simply "*Schneider*"). The Applicant respectfully traverses the rejection.

The Applicant directs the Examiner's attention to Claim 1, which contains the unique and non-obvious limitations emphasized below:

1. For use in a wireless communication system comprising at least two base stations and a mobile station, an apparatus for providing rescue channel communications between said at least two base stations in said wireless communication system, said apparatus comprising:

a rescue base station that is capable of communicating with said mobile station that is capable of providing a rescue channel for said mobile station; and
a source base station that is capable of communicating with said mobile station and with said rescue base station and that is capable of sending messages

to said rescue base station to establish a rescue channel from said source base station to said mobile station through said rescue base station. (*Emphasis added*)

The Applicant respectfully submits that the above-emphasized limitations of Claim 1 are not disclosed, suggested, or even hinted at in the *Chen* reference or the *Schneider* reference.

The Examiner acknowledges that the *Chen* reference fails to teach establishing a rescue channel from a source base station to a mobile station through a rescue base station. However, the Examiner asserts that the *Schneider* reference describes such a rescue channel in paragraph [0039]. The Applicant respectfully submits that the Examiner mischaracterizes the teaching of the *Schneider* reference.

The text of paragraph [0039] of the *Schneider* reference, relied upon by the Examiner, states:

BSCs, for example BSCs 218a and 218b, communicate over communication interfaces A3 and A7. In a CDMA network, monitoring the A3/A7 interfaces provides information about inter-BSS soft handoffs. A soft handoff occurs when a MS 220 moves from one cell 222 to another cell 224. MS 220 is constantly scanning for and measuring the strength of pilot signals associated with various BSCs. As the pilot in cell 224 becomes stronger, MS 220 will communicate this information to BSC 218a. BSC 218a will then negotiate to hand MS 220 off to BSC 218b. The handoff, however, is seamless as far as the user is concerned. This is as opposed to a hard handoff, where cell 222 drops MS 220, which then re-establishes registration in cell 224. With regard to handoff operations, the BSC handing the MS 220 off is typically referred to as the source BSC, and the BSC receiving the handoff is referred to as the target BSC.

Thus, the cited passage discloses a conventional soft handoff of a mobile station from a source base station controller to a target base station controller. That is, the mobile station communicates initially with the source base station controller and subsequently, after handoff, communicates with the target base station controller. The cited passage does not, however, describe the mobile station,

after handoff, communicating with the source base station controller via the target base station controller.

While Figure 2, which the cited passage describes, shows A3(signaling) and A3(traffic) channels extending from Source BSC 218a through Target BSC 218b to Cell Y 224, this connection is not explained in the cited passage, nor elsewhere in the *Schneider* reference. The Applicant is able to find no teaching in the *Schneider* reference that Source BSC 218a communicates with Mobile Station 220 via Target BSC 218b on a rescue channel, or any other channel. As such, the Applicant respectfully submits that the *Schneider* reference does not describe a source base station capable of sending messages to a rescue base station to establish a rescue channel from the source base station, through the rescue base station, to a mobile station, as recited in Claim 1.

Thus, independent Claim 1 contains unique and non-obvious limitations that are not disclosed, suggested, or even hinted at in either the *Chen* reference or the *Schneider* reference, or in the combination of the *Chen* and *Schneider* references. This being the case, Claim 1 is patentable over the *Chen* and *Schneider* references. Also, dependent Claims 2-15 depend from Claim 1 and contain all of the unique and non-obvious limitations recited in Claim 1. Thus, Claims 2-15 are also patentable over the cited prior art references.

Independent Claim 16 contains limitations that are analogous to the unique and non-obvious limitations recited in independent Claim 1. This being the case, Claim 16 is patentable over the *Chen* and *Schneider* references. Furthermore, dependent Claims 17-30, which depend from Claim

16, contain all of the unique and non-obvious limitations recited in Claim 16. Thus, dependent Claims 17-30 are also patentable over the cited prior art references.

The Applicants also disagree with the Examiner's rejections of Claims 2-30 based on additional misdescriptions and/or misapplications of the *Chen* and *Schneider* references to at least some of Claims 2-20. However, the Applicants' arguments regarding those other shortcomings of the *Chen* and *Schneider* references are moot in view of the Claim 1 arguments above. However, the Applicants reserve the right to dispute in future Office Action responses the appropriateness and the applications of the *Chen* and *Schneider* references to the claims of the present application, including the right to dispute assertions made by the Examiner in the June 22, 2005, Office Action.

The Applicant thanks the Examiner for the indication that Claims 3-15 and 18-30 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Because the Applicant believes Claims 3-15 and 18-30 depend from allowable base claims, the Applicant has not rewritten Claims 3-15 and 18-30.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

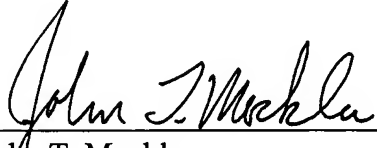
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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